

OFFICE OF SPECIAL MASTERS

No. 06-190V

Filed: May 1, 2009

TAMAR FELD *
*
Petitioner, *
*
v. *
*
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
*
Respondent. *

DECISION AWARDING ATTORNEY FEES AND COSTS¹

VOWELL, Special Master:

On April 14, 2009, petitioner filed an application for attorney fees and costs. After reviewing the application and negotiating with petitioner, respondent filed a joint stipulation requesting an award based on a revised application for attorney fees and costs.

Petitioner originally requested a total of **\$19,309.66**. The requested amount represented **\$1,788.66** for litigation costs incurred by petitioner, **\$8,346.00** for litigation costs incurred by petitioner's counsel, John McHugh, and **\$9175.00** for attorney fees.

The revised request is for a total of **\$14,059.66**. This amount represents **\$1,788.66** in litigation costs incurred by petitioner and **\$12,271.00** in fees and costs incurred by petitioner's counsel.

After reviewing the file, I find that this application was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1).

Further, the proposed amounts in the joint stipulation filed on April 14, 2009,

¹ Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

seem reasonable and appropriate. Accordingly, I hereby award the total of **\$14,059.66**² broken down as follows:

- a lump sum of **\$1,788.66**, in the form of a check payable to petitioner for litigation costs incurred directly by petitioner.
- a lump sum of **\$12,271.00**, in the form of a check payable jointly to petitioner and petitioner's counsel for attorney fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

DENISE K. VOWELL
Special Master

² This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally, Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

³ Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. *See Vaccine Rule 11(a).*